

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

May 10, 2004

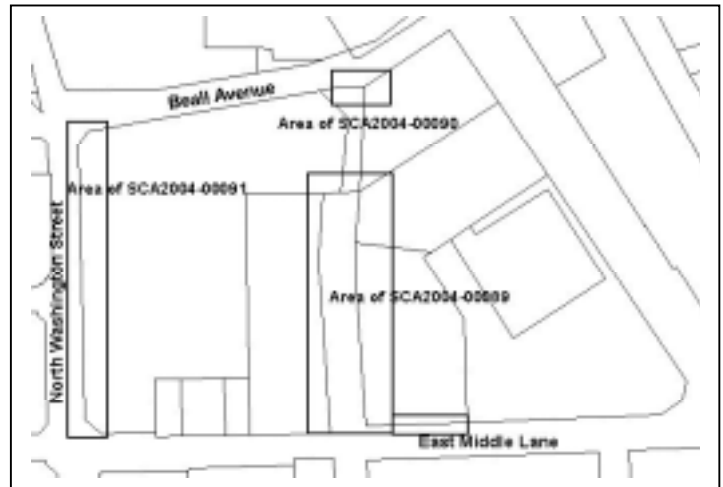
SUBJECT: Road Abandonment Applications
SCA2004-00089, SCA2004-00090,
SCA2004-00091

Applicant: Mayor and Council of Rockville
111 Maryland Avenue
Rockville, MD 20850

Owner: City of Rockville

Date Filed: April 30, 2004

Public Hearing: May 17, 2004



Location: Unimproved extension of Maryland Avenue between East Middle Lane and Beall Avenue and along east side of North Washington Street between East Middle Lane and Beall Avenue.

REQUEST:

The applicant requests the abandonment of portions of the right-of-way for Maryland Avenue between East Middle Lane and Beall Avenue and along East Middle Lane east of Maryland Avenue. In addition, the applicant requests abandonment of a portion of the area along the east side of existing North Washington Street. The abandonments are consistent with and required to implement the approved Rockville Town Square Preliminary Development Plan approved by the Planning Commission and the Use Permit for public improvements approved by the Mayor and Council.

STAFF RECOMMENDATION: Approval

ANALYSIS

Property Description

Application SCA2004-00089 proposes the abandonment of portions of the unimproved right-of-way for Maryland Avenue. The first portion is along the east side of the right-of-way, and a sliver of right-of-way of East Middle Lane east of Maryland Avenue. The second portion is along the west side of the right-of-way. The remaining configuration is consistent with the right-of-way approved by Use Permit application USE2003-00670 for the Town Square public improvements. Similarly, SCA2004-00090 proposes to abandon a small portion of the existing right-of-way for Beall Avenue on the east side of the future intersection of Beall Avenue with Maryland Avenue. The Use Permit approval for the Town Square public improvements also establishes the back of the curb as the limit of the public right-of-way along the east side of North Washington Street. The current sidewalk and street tree area is proposed to be abandoned in accordance with the approved reconfiguration of the street right-of-way.

Project Proposal

In approving the Use Permit application for public improvements in connection with the Rockville Town Square project, the public rights-of-way for the streets within the project were generally set at the back of the curb. This differs from the normal street design wherein the right-of-way usually includes the sidewalks and street trees. In the Town Square project, a Commercial Management District will be established that will be responsible for maintaining the sidewalk and street tree areas with public access easements. The right-of-way for Maryland Avenue between East Middle Lane and Beall Avenue was dedicated at approximately 80 feet wide in anticipation of being constructed in the normal configuration. With the approval of the use permit, the right-of-way for Maryland Avenue is reduced to a nominal 40 feet wide, necking down to 25 feet wide at intersection with East Middle Lane. SCA2004-00089 will establish the revised public right-of-way as approved by the use permit.

SCA2004-00090 proposes to abandon a small (759 square feet) triangle of the existing right-of-way of Beall Avenue, located at the future intersection of Maryland Avenue and Beall Avenue. This is consistent with the approved street alignments per the approved use permit.

SCA2004-00091 proposes to abandon the right-of-way along the east side of North Washington Street from the back of the curb to the edge of the right-of-way. The saw-tooth configuration of the existing right-of-way is to accommodate the existing street trees that are bordered by the brick wall dividing the sidewalk from the existing shopping center parking lot. As with Maryland Avenue, the approved right-of-way for North Washington Street will end at the back of the existing curb, with the sidewalk and street trees within a public easement on private property.

CONCLUSION

Staff finds that the proposed abandonments can be approved. The proposed abandonments are consistent with the street configurations approved in conjunction with approved Use Permit application USE2003-00670 for the Rockville Town Square project.

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Attachments